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EXAMINER

YOUNG, JOHN L

ART UNIT

PAPER NUMBER

2162

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/520,798

Applicant(s)
Rothkopf

Examiner
John Young

Art Unit
2162



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 8, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM OBJECTIONS—37CFR 1.75

37 CFR 1.75(a) requires:

“[claims] particularly pointing out and distinctly claiming the subject matter which the applicant regards as his/her invention or discovery. . . .”

2. Claim 24 is objected to pursuant to 37 CFR 1.75(a); claim 24 does not end with a “period.” Appropriate correction is required.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Independent claims 1, 10 & 19 and dependent claims 2-9, 11-18 & 20-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Leason et al. 6,251,017 (6/26/2001) [US f/d: 4/21/1999] (herein referred to as "Leason").

As per claim 1, Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest "An electronic commerce apparatus for offering a promotional award to a visitor of an electronic commerce site, comprising: a connection to a distributed communication network; at least one promotional awards storage area, including a customer identifier storage and an award amount storage; and an awards rule storage; wherein said visitor is granted a promotional award upon visiting said electronic commerce site, said promotional award

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amount being controlled by an awards rule contained in said awards rule storage, and said promotional award amount being stored in said promotional awards storage area.”

Leason lacks an explicit recitation of all of the elements and limitations of claim 1, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35): “*The present invention is an improvement over conventional promotional games and lotteries in that it provides . . . an incentive to visit a designated [Internet] site or service. . . . The customer is rewarded for visiting the designated [Internet] site(s) with a benefit that can be redeemed. . . . [or] awarded with a number of e-points. . . . The e-points are exchangeable for limited access to predetermined sites or services on the [Internet]. . . . players validate their e-point awards or register their validation codes. . . . at the time of e-point redemption. . . .*” would have been selected in accordance with the elements and limitations of claim 1 because such selection would have provided “*an incentive to visit a designated [Internet] site or service. . . . The customer is rewarded for visiting the designated [Internet] site(s) with a benefit that can be redeemed. . . . [or] awarded with a number of e-points. . . .*” (See Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35)).

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As per claim 2, Leason shows the system of claim 1.

Leason lacks an explicit recitation of the elements and limitations of claim 2, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said at least one promotional awards storage area further including a number of previous visits storage, wherein said visitor is given a promotional award upon visiting said electronic commerce site, with said promotional award amount being controlled in part by said awards rule contained in said awards rule storage and by a number of previous visits stored in said number of previous visits storage. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said at least one promotional awards storage area further including a number of previous visits storage, wherein said visitor is given a promotional award upon visiting said electronic commerce site, with said promotional award amount being controlled in part by said awards rule contained in said awards rule storage and by a number of previous visits stored in said number of previous visits storage. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data.

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As per claim 3, Leason shows the system of claim 1.

Leason lacks an explicit recitation of the elements and limitations of claim 3, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said at least one promotional awards storage area further includes an award time storage, wherein said visitor is granted a promotional award upon visiting said electronic commerce site, with said promotional award amount being controlled in part by an awards rule contained in said awards rule storage and by whether a predetermined time period has elapsed since a previous promotional award. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said at least one promotional awards storage area further includes an award time storage, wherein said visitor is granted a promotional award upon visiting said electronic commerce site, with said promotional award amount being controlled in part by an awards rule contained in said awards rule storage and by whether a predetermined time period has elapsed since a previous promotional award. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data.

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As per claim 4, Leason shows the system of claim 1.

Leason lacks an explicit recitation of the elements and limitations of claim 4, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said award amount is cumulative over successive visits by said visitor. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said award amount is cumulative over successive visits by said visitor. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data and limiting awards.

As per claim 5, Leason shows the system of claim 1.

Leason lacks an explicit recitation of the elements and limitations of claim 5, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said award amount contains a predetermined promotional award limit. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said award amount contains a predetermined promotional award

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limit. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data and limiting awards.

As per claim 6, Leason shows the system of claim 1.

Leason lacks an explicit recitation of the elements and limitations of claim 6, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said award amount is zero if said visitor has previously made a purchase. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said award amount is zero if said visitor has previously made a purchase. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data and limiting awards.

As per claim 7, Leason shows the system of claim 1.

Leason lacks an explicit recitation of the elements and limitations of claim 7, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said promotional award according to said awards rule increases with successive visits by said

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visitor. . . ”were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said promotional award according to said awards rule increases with successive visits by said visitor. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data and limiting awards.

As per claim 8, Leason shows the system of claim 1.

Leason lacks an explicit recitation of the elements and limitations of claim 8, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said promotional award is credited to a purchase price of a purchase by said customer. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said promotional award is credited to a purchase price of a purchase by said customer. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data and limiting awards.

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As per claim 9, Leason shows the system of claim 1.

Leason lacks an explicit recitation of the elements and limitations of claim 9, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; col. 2, ll. 1-56; and col. 12, ll. 27-35) would have been selected in accordance with "said apparatus is connected through said connection to the Internet. . . ." because such web site interconnection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online.*" (See Leason (col. 2, ll. 1-6)).

As per claim 10, Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest "A method for offering a promotional award to a visitor to an electronic commerce site, comprising the steps of: detecting a site visit by a visitor; granting a promotional award to said visitor and storing said award in a memory storage area with associated visitor identification information; and adding said promotional award to a pre-existing stored promotional award, if said site visit is not a first site visit by said visitor; wherein said visitor is motivated to make multiple site visits and a purchase as a result of said promotional award."

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Leason lacks an explicit recitation of all of the elements and limitations of claim 10, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35): *“The present invention is an improvement over conventional promotional games and lotteries in that it provides . . . an incentive to visit a designated [Internet] site or service. . . . The customer is rewarded for visiting the designated [Internet] site(s) with a benefit that can be redeemed. . . . [or] awarded with a number of e-points. . . . The e-points are exchangeable for limited access to predetermined sites or services on the [Internet]. . . . players validate their e-point awards or register their validation codes. . . . at the time of e-point redemption.”* would have been selected in accordance with the elements and limitations of claim 10 because such selection would have provided *“an incentive to visit a designated [Internet] site or service. . . . The customer is rewarded for visiting the designated [Internet] site(s) with a benefit that can be redeemed. . . . [or] awarded with a number of e-points. . . .”* (See Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35)).

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As per claim 11, Leason shows the system of claim 10.

Leason lacks an explicit recitation of the elements and limitations of claim 11, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said promotional award increases with each site visit by said visitor. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said promotional award increases with each site visit by said visitor. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data.

As per claim 12, Leason shows the system of claim 10.

Leason lacks an explicit recitation of the elements and limitations of claim 12, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said promotional award increases incrementally with each site visit by said visitor. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said promotional award increases incrementally with

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each site visit by said visitor. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data.

As per claim 13, Leason shows the system of claim 10.

Leason lacks an explicit recitation of the elements and limitations of claim 13, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said promotional award is cumulative over successive site visits by said visitor. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said promotional award is cumulative over successive site visits by said visitor. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data and limiting awards.

As per claim 14, Leason shows the system of claim 10.

Leason lacks an explicit recitation of the elements and limitations of claim 14, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said promotional award is granted only to first-time purchasers. . . .” were inherent,

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notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said promotional award is granted only to first-time purchasers. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data and limiting awards.

As per claim 15, Leason shows the system of claim 10.

Leason lacks an explicit recitation of the elements and limitations of claim 15, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said promotional award is granted to said visitor if said visitor has not exceeded a predetermined promotional award limit. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said promotional award is granted to said visitor if said visitor has not exceeded a predetermined promotional award limit. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data and limiting awards.

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As per claim 16, Leason shows the system of claim 10.

Leason lacks an explicit recitation of the elements and limitations of claim 16, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said promotional award is credited to a purchase price of a purchase by said visitor. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said promotional award is credited to a purchase price of a purchase by said visitor. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data and limiting awards.

As per claim 17, Leason shows the system of claim 10.

Leason lacks an explicit recitation of the elements and limitations of claim 17, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said visitor must affirmatively select the promotional award. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said visitor must affirmatively select the promotional award. . . .” because

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such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data and limiting awards.

As per claim 18, Leason shows the system of claim 10.

Leason lacks an explicit recitation of the elements and limitations of claim 18, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; col. 2, ll. 1-56; and col. 12, ll. 27-35) would have been selected in accordance with "said electronic commerce site is accessed via the Internet. . . ." because such Internet connection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online.*" (See Leason (col. 2, ll. 1-6)).

As per claim 19, Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest "A method for offering a promotional award to a visitor of an electronic commerce site, comprising the steps of: detecting a site visit by a visitor; determining whether said visitor has already exceeded a predetermined promotional award limit; granting a promotional award to said visitor if said visitor has not exceeded said predetermined promotional award limit and

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storing said granted award in a memory storage area with associated visitor identification information; and adding said promotional award to a pre-existing promotional award stored in said memory storage area, if said site visit is not a first site visit by said visitor; wherein said visitor is motivated to make multiple site visits and a purchase as a result of said promotional award.”

Leason lacks an explicit recitation of all of the elements and limitations of claim 19, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35): “*The present invention is an improvement over conventional promotional games and lotteries in that it provides . . . an incentive to visit a designated [Internet] site or service. . . . The customer is rewarded for visiting the designated [Internet] site(s) with a benefit that can be redeemed. . . . [or] awarded with a number of e-points. . . . The e-points are exchangeable for limited access to predetermined sites or services on the [Internet]. . . . players validate their e-point awards or register their validation codes. . . . at the time of e-point redemption.*” would have been selected in accordance with the elements and limitations of claim 19 because such selection would have provided “*an incentive to visit a designated [Internet] site or service. . . . The customer is rewarded for visiting the designated [Internet] site(s) with a benefit that can be redeemed. . . . [or] awarded with a number of e-points. . . .*” (See Leason (the

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ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35)).

As per claim 20, Leason shows the system of claim 19.

Leason lacks an explicit recitation of the elements and limitations of claim 20, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said promotional award increases with each site visit by said visitor. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said promotional award increases with each site visit by said visitor. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data.

As per claim 21, Leason shows the system of claim 19.

Leason lacks an explicit recitation of the elements and limitations of claim 21, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said promotional award increases incrementally with each site visit by said visitor. . . .” were

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inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said promotional award increases incrementally with each site visit by said visitor. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data.

As per claim 22, Leason shows the system of claim 19.

Leason lacks an explicit recitation of the elements and limitations of claim 22, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said promotional award is granted only to first-time purchasers. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said promotional award is granted only to first-time purchasers. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data and limiting awards.

As per claim 23, Leason shows the system of claim 19.

Leason lacks an explicit recitation of the elements and limitations of claim 23, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll.

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30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said visitor must affirmatively select the promotional award. . . .” were inherent, notoriously well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention that “said visitor must affirmatively select the promotional award. . . .” because such web site visit rules and awards rules would have provided means for quantifying and qualifying customer data and limiting awards.

As per claim 24, Leason shows the system of claim 19.

Leason lacks an explicit recitation of the elements and limitations of claim 24, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

“Official Notice” is taken that both the concept and the advantages of “said promotional award is credited to a purchase price if said visitor makes a purchase[.]

As per claim 25, Leason shows the system of claim 19.

Leason lacks an explicit recitation of the elements and limitations of claim 25, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the

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ABSTRACT; FIG. 3; col. 2, ll. 1-56; and col. 12, ll. 27-35) would have been selected in accordance with "said electronic commerce site is accessed via the Internet. . . ."

because such Internet connection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online.*" (See Leason (col. 2, ll. 1-6)).

RELEVANT PRIOR ART

4. The prior art references made of record and not relied upon are considered pertinent to Applicant's disclosure:

U.S. Patents

5,791,991, U.S. Pat. [Aug. 11, 1998] Small, 463/41

"INTERACTIVE CONSUMER PRODUCT PROMOTION METHOD AND MATCH GAME." This reference discusses Internet promotions. (See the ABSTRACT; and FIG. 1). Ref. claims 1-25.

CONCLUSION

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

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(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Sixth floor Receptionist
Crystal Park II
2121 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

2121 Crystal Drive
Arlington, Virginia.

Serial Number: 09/520,798

(Rothkopf)

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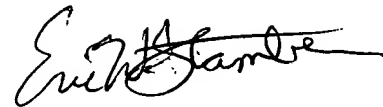
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young

Patent Examiner

January 16, 2002



ERIC W. STAMBER
PRIMARY EXAMINER